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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,078	02/06/2004	Lukas Eisermann	31132.122	7137
46333	7590	09/25/2007	EXAMINER	
HAYNES AND BOONE, LLP			SWIGER III, JAMES L	
901 MAIN ST			ART UNIT	PAPER NUMBER
SUITE 3100			3733	
DALLAS, TX 75202				
MAIL DATE		DELIVERY MODE		
09/25/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)
	10/774,078	EISERMANN ET AL.
	Examiner	Art Unit
	James L. Swiger	3733

All participants (applicant, applicant's representative, PTO personnel):

(1) James L. Swiger. (3) _____.

(2) Greg Webb. (4) _____.

Date of Interview: 18 September 2007.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____.

Claim(s) discussed: 20.

Identification of prior art discussed: Winslow (US Patent 6,063,088) and Aebi (US Patent 6,261,296).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT
SUPERVISOR, PATENT EXAMINER

9/18/07

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Representative for applicant requested clarification of the interpretation of the 35 USC 103 rejection of Winslow and Aebi et al. Examiner explained that the claim was being interpreted as the implantation device (front of Aebi et al.) is just adjacent to the alignment instrument via a clamp and "operatively" connected. Operatively connected was interpreted broadly as "used in conjunction" or "associated with" and not necessarily where the clamp connects the implantation and alignment instrument together for use. Better defining the use of the clamp was suggested. Further amendments may require additional search and consideration.